



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jun-young Kim et al.

Application No.: 10/779,741

Filing Date: February 18, 2004

Group Art Unit: 2815

Examiner: Allan R. Wilson

Confirmation No.: 2053

Title: LIGHT-RECEIVING DEVICE, METHOD FOR MANUFACTURING THE SAME, AND OPTOELECTRONIC INTEGRATED CIRCUIT COMPRISING THE SAME

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.☐ Also enclosed is/are _____

_____☐ Small entity status is hereby claimed.☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.☐ Applicant(s) previously submitted _____

_____ on _____
for which continued examination is requested.☐ Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.


Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: May 18, 2005

By


Charles F. Wieland III
Registration No. 33,096



Patent
Attorney's Docket No. 030681-629

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In re Patent Application of)	
Jun-young Kim et al.)	Group Art Unit: 2815
Application No.: 10/779,741)	Examiner: Allan R. Wilson
Filed: February 18, 2004)	Confirmation No.: 2053
For: LIGHT-RECEIVING DEVICE,)	
METHOD FOR MANUFACTURING)	
THE SAME, AND)	
OPTOELECTRONIC INTEGRATED)	
CIRCUIT COMPRISING THE SAME)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully traverse the Restriction Requirement dated April 28, 2005. In the Restriction Requirement, the Office divides the claims into two groups. Group 1 includes claims 1-39 as being drawn to a semiconductor device. Group II includes claims 40-56 as being drawn to a method of making a semiconductor device. The Office alleges that the product claim can be made by another and materially different process, citing MPEP § 806.05(f). Applicants respectfully point out that the method to claim 40 carefully tracks apparatus claim 1, but in method claim format. Therefore, Applicants respectfully submit that the restriction is improper and should be withdrawn.

The Office points to claim 50, rather than the independent claim, to suggest that the claimed invention could be made by another materially different method that

does not involve a separation layer being formed on the substrate O₂ implantation. Applicants respectfully point to claim 12. An examination of claim 12 would necessarily include same search and consideration as claim 50, and vice versa.

In light of the foregoing, Applicants respectfully submit that the restriction is improper under MPEP 806.05(f) and should be withdrawn. For completeness, however, Applicants elect Group I with traverse, should the Office be unpersuaded by the above reasoning.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 18, 2005

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